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9  
10

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 ADRIAN KOLLAR,  
12 Plaintiff,

13 v.

14 PACIFIC REALTY INVESTMENT  
15 COMPANY LLC, A California Limited  
16 Liability Company; GARFIELD BEACH  
17 CVS, L.L.C., A California Limited  
18 Liability Company, and DOES 1 through  
19 100, inclusive,

20 Defendants.

CV 08-05343 SVW  
Case No.: (JCx)

**NOTICE OF REMOVAL**

[28 U.S.C. §§ 1331, 1441]

Complaint filed: July 1, 2008

TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that Garfield Beach CVS, L.L.C. ("Garfield  
Beach CVS"), by its attorneys, Saul Ewing, LLP, respectfully removes this case  
from the Superior Court of the State of California in and for the County of Los

Angeles to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§1441, and as grounds therefore states as follows:

1. On or about July 1, 2008, Plaintiff Adrian Kollar filed a Complaint against Pacific Realty Investment Co., Garfield Beach CVS, and Does 1 through 100 (the "Defendants") in the Superior Court of the State of California in and for the County of Los Angeles, and the case was assigned the Case No. YC057652 in the records and files of that court ("State Court Action").

2. The Complaint alleges violations of the Americans with Disabilities Act, 42 U.S.C. §12182, *et seq.*, violations of the Unruh Civil Rights Act, Cal. Civ. § 51-53, violation of the California Disabled Persons Act, Cal. Civ. § 54-54.8, and negligence in the operations of the CVS Pharmacy Store located at 4320 Redondo Beach Blvd., Torrance, CA 90504 (“CVS Store No. 9475”). The alleged violations include, but are not limited to, the operation of CVS Store 9475.

3. Plaintiff served the Summons and Complaint by delivering a copy to CT Corporation System, 818 West Seventh Street, Los Angeles, CA 90017 on July 14, 2008.

4. The Complaint alleges that Defendants are owners, operators, lessors, or lessees of the property on which CVS Store No. 9475 is operated as a place of public accommodation.

1       5. Pursuant to 28 U.S.C. § 1446(b), Garfield Beach CVS files this Notice  
2 of Removal within thirty days of the date it was served with the Summons and  
3 Complaint.

4       6. Pursuant to 28 U.S.C. § 1446(b), attached hereto as Exhibit A are  
5 copies of all documents served upon Garfield Beach CVS in the State Court  
6 Action. Upon information and belief, neither Defendant Pacific Realty Investment  
7 Company, LLC nor Does 1 through 100 have been served or appeared in this  
8 action. Pursuant to *Salveson v. Western States Bankcard Ass'n*, 731 F.2d 1423,  
9 1429 (9th Cir. 1984) (holding that any defendant who was not served with state  
10 court process need not join in the notice of removal), consent from the other named  
11 defendants is not required to remove this case. To Garfield Beach CVS'  
12 knowledge, no further proceedings have been conducted in the State Court Action.  
13

14       7. The State Court Action is a suit of a wholly civil nature of which the  
15 United States District Court for the Central District of California has original  
16 jurisdiction under 28 U.S.C. §§ 1331, 1337 and 42 U.S.C. § 12188. This action  
17 may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.

18       8. In his four-count Complaint, Plaintiff Kollar alleges that he has a  
19 physical impairment and that Defendants, own, lease, lease to, or operate a place of  
20 public accommodation, and have violated the Americans with Disabilities Act  
21 Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of  
22  
23  
24  
25  
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28

1      Regulations. In his First Cause of Action, Plaintiff alleges that, through this  
2      conduct, Defendants violated the Americans with Disabilities Act of 1990  
3      (“ADA”), 42 U.S.C. § 12102, *et seq.*, by failing to: (i) ensure that all construction,  
4      alterations, or modifications are barrier free and comply with the ADAAG and  
5      Title 24 of the California Code of Regulations; and (ii) remove all existing barriers  
6      where such removal is readily achievable. In his Second Cause of Action, Plaintiff  
7      alleges that the same conduct violated the California Civil Code Sections 51-53.  
8  
9      In his Third Cause of Action, Plaintiff alleges that the same conduct violated the  
10     California Civil Code Sections 54-54.8. In his Fourth Cause of Action, Plaintiff  
11     alleges that Defendants have a general duty, and a duty arising out of the ADA,  
12     Unruh Civil Rights Act, and California Disabled Persons Act, to provide safe,  
13     convenient, and accessible facilities to Plaintiff in the running of CVS Store 9475.  
14

15            9.      Because Plaintiff’s claims arise from alleged violations of federal law  
16      under the ADA, 42 U.S.C. § 12102, *et seq.*, this action is one in which this Court  
17      has original jurisdiction under the provisions of 28 U.S.C. § 1331 and 42 U.S.C. §  
18      12188. This action may, therefore, be removed to this Court pursuant to 28 U.S.C.  
19      § 1441(a) and (b).  
20

21            10.     The ADA is an Act of Congress regulating commerce; this Court  
22      therefore has original subject matter jurisdiction pursuant to 28 U.S.C. § 1337, and  
23      this action is removable to this Court pursuant to 28 U.S.C. § 1441(a) and (b).  
24

1       11. Pursuant to 28 U.S.C. 1337(a), the Court has supplemental  
2 jurisdiction over Plaintiff's remaining state law claims, as they are so related to the  
3 federal ADA claim that they form part of the same case or controversy under  
4 Article III of the United States Constitution.

5       12. Garfield Beach CVS is providing written notice of the filing of this  
6 Notice of Removal to Plaintiff and is filing a copy of this Notice of Removal with  
7 the Clerk of the Superior Court of the State of California in and for the County of  
8 Los Angeles, pursuant to 28 U.S.C. § 1446(d).  
9

10                   **WHEREFORE**, Garfield Beach CVS respectfully requests that this  
11 action be removed from the Superior Court of the State of California in and for the  
12 County of Los Angeles to the United States District Court for the Central District  
13 of California.  
14

15                   Dated: August 13, 2008  
16

17                   Respectfully submitted,  
18

19                     
20                   \_\_\_\_\_  
21                   Henry A. Platt  
22                   Attorney for Garfield Beach CVS, L.L.C.  
23

Exhibit A

7.14.08  
215-ph  
SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

PACIFIC REALTY INVESTMENT COMPANY LLC, A California Limited Liability Company; GARFIELD BEACH CVS, L.L.C., A California Limited Liability Company, and DOES 1 through 100, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTA DEMANDANDO EL DEMANDANTE):**  
ADRIAN KOLLAR

<small>FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)</small> <b>CONFORMED COPY</b> OF ORIGINAL FILED Los Angeles Superior Court <b>JUL 01 2008</b> John A. Clarke, Executive Officer/Clerk By T. Rhodes, Deputy
--

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/seithelp](http://www.courtinfo.ca.gov/seithelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/seithelp](http://www.courtinfo.ca.gov/seithelp)), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO despues de que le entreguen esta citacion y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefonica no protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y mas informacion en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/seithelp/espainol](http://www.courtinfo.ca.gov/seithelp/espainol)), en la biblioteca de leyes de su condado o en la corte que le queda mas cerca. Si no puede pagar la cuota de presentacion, pida al secretario de la corte que le de un formulario de exencion de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podra quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remision a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/seithelp/espainol](http://www.courtinfo.ca.gov/seithelp/espainol)) o poniendose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y direccion de la corte es):

Los Angeles Superior  
825 Maple Avenue  
Torrance, CA 90804

CASE NUMBER:  
(Número del Caso): **YC057652**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la direccion y el numero del telefono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark D. Potter/ Russell C. Handy  
Center for Disability Access, LLP

100 E San Marcos Blvd #400  
San Marcos, CA 92069

PHONE: (760) 480-4162

DATE: **JUL 01 2008**

Clerk, by \_\_\_\_\_  
(Secretario)

T. RHODES

, Deputy  
(Adjunto)

(For Proof of service of this summons, use Proof of Service of Summons (form POS-010).  
(Para prueba de entrega de esta citacion use el formulario Proof of Service of Summons, (POS-010).

NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify): **GARFIELD BEACH CVS, L.L.C., A California Limited Liability Company**  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 Other (specify):

4.  by personal delivery on (date):

**SUMMONS**

Page 1 of 1

Code of Civil Procedure §§ 412.20, 465

**COPY**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Mark D. Potter / Russell C. Handly Center for Disability Access, LLP 100 East San Marcos Blvd., Suite 400 Sun Marcos, CA 92069 TELEPHONE NO.: (760) 480-4162 ATTORNEY FOR (Name): ADRIAN KOLLAR		CM-010
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 825 Maple Avenue MAILING ADDRESS: 825 Maple Avenue CITY AND ZIP CODE: Torrance, CA 90503 BRANCH NAME:		FOR COURT USE ONLY
CASE NAME: <b>KOLLAR v. PACIFIC REALTY INVESTMENT, et al.</b>		CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder <small>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)</small>
		CASE NUMBER: <b>YC057652</b>
		JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)  Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)  Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)  Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)  <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)  <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)  <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> <small>(Cal. Rules of Court, rules 3.400-3.403)</small> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)  <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)  <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	--	--

2. This case  is  not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- Large number of separately represented parties
- Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- Substantial amount of documentary evidence
- Large number of witnesses
- Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

- monetary
- nonmonetary; declaratory or injunctive relief
- punitive

4. Number of causes of action (specify): 4 ADA; Unruh; CA Dis; Negl

5. This case  is  not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 06/24/08

Mark D. Potter

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE KOLLAR v. PACIFIC REALTY INVESTMENT, et al.	CASE NUMBER YC057652
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL \_\_\_\_ HOURS/DAYS.

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.	6. Location of property or permanently garaged vehicle.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).	7. Location where petitioner resides.
3. Location where cause of action arose.	8. Location wherein defendant/respondent functions wholly.
4. Location where bodily injury, death or damage occurred.	9. Location where one or more of the parties reside.
5. Location where performance required or defendant resides.	10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort Auto (22)	<input checked="" type="checkbox"/> *A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (48)	<input checked="" type="checkbox"/> *A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort Asbestos (04)	<input checked="" type="checkbox"/> *A8070 Asbestos Property Damage <input checked="" type="checkbox"/> *A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input checked="" type="checkbox"/> *A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input checked="" type="checkbox"/> *A7210 Medical Malpractice - Physicians & Surgeons <input checked="" type="checkbox"/> *A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input checked="" type="checkbox"/> *A7250 Premises Liability (e.g., slip and fall) <input checked="" type="checkbox"/> *A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input checked="" type="checkbox"/> *A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> *A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort Business Tort (07)	<input checked="" type="checkbox"/> *A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1.. 2., 3.
Civil Rights (08)	<input checked="" type="checkbox"/> *A6005 Civil Rights/Discrimination	1., 2.. 3.
Defamation (13)	<input checked="" type="checkbox"/> *A6010 Defamation (slander/libel)	1., 2.. 3.
Fraud (16)	<input checked="" type="checkbox"/> *A6013 Fraud (no contract)	1.. 2.. 3.
Intellectual Property (19)	<input checked="" type="checkbox"/> *A6018 Intellectual Property	2.. 3.

SHORT TITLE KOLLAR v. PACIFIC REALTY INVESTMENT, et al.		CASE NUMBER	
<b>A</b> Civil Case Cover Sheet Category No.		<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons -See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)	Professional Negligence (25)	<input type="checkbox"/> *A6017 Legal Malpractice <input type="checkbox"/> *A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> *A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> *A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> *A6024 Other Employment Complaint Case <input type="checkbox"/> *A6108 Labor Commissioner Appeals	1., 2., 3. 10.
	Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> *A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> *A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> *A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> *A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Contract	Collections (09)	<input type="checkbox"/> *A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> *A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> *A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> *A6009 Contractual Fraud <input type="checkbox"/> *A6031 Tortious Interference <input type="checkbox"/> *A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> *A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> *A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> *A6018 Mortgage Foreclosure <input type="checkbox"/> *A6032 Quiet Title <input type="checkbox"/> *A6060 Other Real Property(not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Judicial Review Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> *A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> *A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> *A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> *A6108 Asset Forfeiture Case	2., 6.	
Petition re Arbitration (11)	<input type="checkbox"/> *A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	

SHORT TITLE: KOLLAR v. PACIFIC REALTY INVESTMENT, et al.		CASE NUMBER	
	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)			
Provisionally Complex Litigation			
Writ of Mandate (02)	<input type="checkbox"/> *A6151 Writ - Administrative Mandamus <input type="checkbox"/> *A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> *A6153 Writ - Other Limited Court Case Review		2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> *A6150 Other Writ /Judicial Review		2., 8.
Anitrust/Trade Regulation (03)	<input type="checkbox"/> *A6003 Antitrust/Trade Regulation		1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> *A6007 Construction defect		1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> *A6008 Claims Involving Mass Tort		1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> *A6035 Securities Litigation Case		1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> *A6036 Toxic Tort/Environmental		1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> *A6014 Insurance Coverage/Subrogation (complex case only)		1., 2., 5., 8.
Enforcement of Judgment			
Enforcement of Judgment (20)	<input type="checkbox"/> *A6141 Sister State Judgment <input type="checkbox"/> *A6160 Abstract of Judgment <input type="checkbox"/> *A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> *A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> *A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> *A6112 Other Enforcement of Judgment Case		2., 8. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> *A6033 Racketeering (RICO) Case		1., 2., 8.
Miscellaneous Civil Complaints			
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> *A6030 Declaratory Relief Only <input type="checkbox"/> *A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> *A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> *A6000 Other Civil Complaint (non-tort/non-complex)		1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Miscellaneous Civil Petitions			
Partnership Corporation Governance(21)	<input type="checkbox"/> *A6113 Partnership and Corporate Governance Case		2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> *A6121 Civil Harassment <input type="checkbox"/> *A6123 Workplace Harassment <input type="checkbox"/> *A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> *A6190 Election Contest <input type="checkbox"/> *A6110 Petition for Change of Name <input type="checkbox"/> *A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> *A6100 Other Civil Petition		2., 3., 8. 2., 3., 8. 2., 3., 8. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: <b>KOLLAR v. PACIFIC REALTY INVESTMENT, et al.</b>	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE  • 1. • 2. • 3. • 4. • 5. • 6. • 7. • 8. <b>V</b> 9. • 10.		ADDRESS: 4320 Redondo Beach Blvd.
CITY: <b>Torrance</b>	STATE: <b>CA</b>	ZIP CODE: <b>90504</b>

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Torrance courthouse in the Southwest District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 03/26/08

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form JC 982.2(b)(1).
4. Complete Addendum to Civil Case Cover Sheet form CIV 109 \_\_\_\_\_ (eff. Date).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

1 CENTER FOR DISABILITY ACCESS, LLP  
2 MARK D. POTTER, ESQ., SBN 166317  
3 RUSSELL C. HANDY, ESQ., SBN 195058  
100 East San Marcos Blvd., Suite 400  
3 San Marcos, CA 92069-2988  
(760) 480-4162  
4 Fax (760) 480-4170

5 Attorney for Plaintiff, ADRIAN KOLLAR

JUL 01 2008

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

CASE ASSIGNED FOR  
ALL PURPOSES TO  
Judge ANDREW C. KAUFFMAN  
Dept. B Div.       

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF LOS ANGELES

10 11 ADRIAN KOLLAR,

YCO57652

12 Plaintiff,

) Case No.:

13 v.

14 15 16 17 18 COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FOR  
VIOLATIONS OF: AMERICAN'S  
WITH DISABILITIES ACT; UNRUH  
CIVIL RIGHTS ACT; CALIFORNIA  
DISABLED PERSONS ACT;  
NEGLIGENCE

DEMAND FOR JURY

PACIFIC REALTY INVESTMENT  
COMPANY LLC, A California Limited  
Liability Company; GARFIELD BEACH  
CVS, L.L.C., A California Limited  
Liability Company, and DOES 1 through  
100, inclusive,

Defendants.

19 Plaintiff ADRIAN KOLLAR complains of Defendants PACIFIC REALTY  
20 INVESTMENT COMPANY LLC, A California Limited Liability Company;  
21 GARFIELD BEACH CVS, L.L.C., A California Limited Liability Company, and  
22 DOES 1 through 100, inclusive, (hereinafter referred to as "Defendants") and alleges as  
23 follows:

24 PARTIES:

25 1. Plaintiff is a California resident with physical disabilities. He is a C-4-C-5  
26 quadriplegic, who cannot walk, and uses a wheelchair for mobility. He also requires a  
27 service animal for alerts and hearing.

1           2. Defendants are or were at the time of the incident the owners and operators  
2 and/or lessors and lessees of the Retail Pharmacy Store located at 4320 Redondo Beach  
3 Blvd., Torrance, California.

4           3. Plaintiff does not know the true names of Defendants, their business  
5 capacities, their ownership connection to the property and business, or their relative  
6 responsibilities in causing the access violations herein complained of, and alleges a  
7 joint venture and common enterprise by all such Defendants. Plaintiff is informed and  
8 believes that each of the Defendants herein, including DOES 1 through 100, inclusive,  
9 is responsible in some capacity for the events herein alleged, or is a necessary party for  
10 obtaining appropriate relief. Plaintiff will seek leave to amend when the true names,  
11 capacities, connections, and responsibilities of the Defendants and DOES 1 through  
12 100, inclusive, are ascertained

13 **FACTUAL ALLEGATIONS:**

14           4. The Plaintiff went to the Retail Pharmacy Store with family members on  
15 March 19, 2008, to purchase cold medicines and school supplies.

16           5. The Retail Pharmacy Store is a facility open to the public, a place of public  
17 accommodation, and a business establishment.

18           6. Unfortunately, the Retail Pharmacy Store presented barriers to persons in  
19 wheelchairs, violations of the Americans with Disabilities Act Accessibility Guidelines  
20 ("ADAAG") and Title 24 of the California Code of Regulations, including, but not  
21 limited to, there was a lack of properly marked and configured designated van  
22 accessible parking, there was a lack of accessible counters in the Retail Pharmacy  
23 Store, and there was a lack of an accessible bathroom.

24           7. Naturally, Plaintiff KOLLAR was frustrated, angry and/or vexed as a result of  
25 encountering unlawful conditions, violations of his civil rights, and the lack of safe,  
26 convenient and accessible facilities. Although these injuries are modest in scope and  
27 did not result in any loss of wages or economic damage or medical care or attention, the  
28 continued violation of the plaintiff's civil rights by these defendants and the highly

1       unpleasant emotional distress caused by such unlawful treatment is attributable to the  
2 actions or inactions of the defendants and plaintiff seeks redress from these defendants  
3 for such injury.

4           8. Plaintiff would like to return and patronize the Defendants' Retail Pharmacy  
5 Store but because of plaintiff's knowledge of the existence of the inaccessible  
6 conditions and policies, the plaintiff is unable to use the Retail Pharmacy Store on a  
7 "full and equal" basis until the Retail Pharmacy Store is brought into compliance with  
8 the provisions of the Americans with Disabilities Act Accessibility Guidelines and state  
9 accessibility law as pled herein. Plaintiff has been and currently is being deterred from  
10 returning and patronizing the Defendants' Retail Pharmacy Store.

11          **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH**  
12 **DISABILITIES ACT OF 1990 (On behalf of Plaintiff and Against All Defendants (42**  
U.S.C. section 12101, et seq.)

13           9. The defendants are persons who either own, operate, lease or lease to a place  
14 of public accommodation. As such, the Defendants are required to (1) ensure that all  
15 construction, alteration, or modification is barrier free and complies with the Americans  
16 with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the  
17 California Code of Regulations (aka "California Building Code"); and/or (2) remove all  
18 existing barriers where such removal is "readily achievable." The Defendants have  
19 failed to meet these obligations. The existence of readily achievable removed barriers  
20 and barriers in violation of the ADAAG and/or California Building Code, including,  
21 but not limited to, there was a lack of properly marked and configured designated van  
22 accessible parking, there was a lack of accessible counters in the Retail Pharmacy  
23 Store, and there was a lack of an accessible bathroom, is unlawful and has resulted in  
24 the defendants' failure to provide full and equal accommodations, advantages,  
25 facilities, privileges and/or services to the plaintiff.

26          **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
27 **RIGHTS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 51-53)**

28           10. The defendants are persons who either own, operate, lease or lease to a place

1 of public accommodation or business establishment. As such, the Defendants are  
2 required to (1) ensure that all construction, alteration, or modification is barrier free and  
3 complies with the Americans with Disabilities Act Accessibility Guidelines  
4 ("ADAAG") and Title 24 of the California Code of Regulations (aka "California  
5 Building Code"); and (2) remove all existing barriers where such removal is "readily  
6 achievable." The Defendants have failed to meet these obligations. The Defendants  
7 intended the physical and architectural condition of their property. The existence of  
8 readily achievable removed barriers and barriers in violation of the ADAAG and/or  
9 California Building Code, including, but not limited to, there was a lack of properly  
10 marked and configured designated van accessible parking, there was a lack of  
11 accessible counters in the Retail Pharmacy Store, and there was a lack of an accessible  
12 bathroom, , is unlawful and has resulted in the defendants' failure to provide full and  
13 equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

14 11. The acts alleged above, which form the basis of the plaintiff's discrimination  
15 claim, are intentional acts.

16 **III. THIRD CAUSE OF ACTION: VIOLATION OF THE CALIFORNIA**  
17 **DISABLED PERSONS ACT (On behalf of Plaintiff and Against All**  
**Defendants) (Cal Civ § 54-54.8)**

18 12. The defendants are persons who either own, operate, lease or lease to a place  
19 of public accommodation or a facility open to the public. As such, the Defendants are  
20 required to (1) ensure that all construction, alteration, or modification is barrier free and  
21 complies with the Americans with Disabilities Act Accessibility Guidelines  
22 ("ADAAG") and Title 24 of the California Code of Regulations (aka "California  
23 Building Code"); and (2) remove all existing barriers where such removal is "readily  
24 achievable." The Defendants have failed to meet these obligations. The existence of  
25 readily achievable removed barriers and barriers in violation of the ADAAG and/or  
26 California Building Code, including, but not limited to, there was a lack of properly  
27 marked and configured designated van accessible parking, there was a lack of  
28 accessible counters in the Retail Pharmacy Store, and there was a lack of an accessible

bathroom is unlawful and has resulted in the defendants' failure to provide full and equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

**IV. FOURTH CAUSE OF ACTION: NEGLIGENCE (On behalf of Plaintiff and Against All Defendants)**

13. The defendants had a general duty and a duty arising under the Americans with Disabilities Act and the Unruh Civil Rights Act and California Disabled Persons Act to provide safe, convenient, and accessible facilities to the plaintiff in the running of their Retail Pharmacy Store. Their breach of this duty, as alleged in the preceding paragraphs, has caused injury and damage as alleged above.

## PRAYER:

Wherefore, Plaintiff prays that this court award damages and provide relief as follows:

1. For injunctive relief, compelling Defendants to comply with the Americans with Disabilities Act and the Unruh Civil Rights Act. **Note:** the plaintiff is not invoking section 55 of the California Civil Code and is not seeking injunctive relief under that section.

**2. Damages under the Unruh Civil Rights Act and/or the California Disabled Persons Act.** Note: A defendant cannot be held liable for damages under both the Unruh Civil Rights Act and the California Disabled Persons Act and the plaintiff will make an election at trial depending upon the evidence amassed.

3. Reasonable attorneys' fees, litigation expenses and costs of suit, pursuant to 42 U.S.C. § 12205; Cal. Civ. Code §§ 52 and 54.3 and Cal. Civ. Proc. § 1021.5.

Dated: June 24, 2008 CENTER FOR DISABILITY ACCESS LLP

By: Z  
**MARK D. POTTER**  
Attorneys for Plaintiff

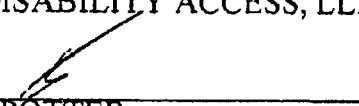
1                   **DEMAND FOR JURY TRIAL**  
2  
3

4                   Plaintiff hereby demands a jury for all claims for which a jury is permitted.  
5  
6

7                   Dated: June 24, 2008  
8  
9

10                  CENTER FOR DISABILITY ACCESS, LLP  
11  
12

13                  By: \_\_\_\_\_  
14

15                    
16                  MARK D. POTTER  
17                  Attorneys for Plaintiff  
18  
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**LOS ANGELES SUPERIOR COURT  
CIVIL ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAMS  
[CRC 201.9(c) Information about Alternative Dispute Resolution]**

The plaintiff shall serve a copy of the ADR Information package on each defendant along with the complaint.

**ADR PROGRAMS**

"Alternative Dispute Resolution (ADR)" is the term used to describe all the other options available for settling a dispute which once had to be settled in court. ADR processes such as arbitration, mediation, early neutral evaluation (ENE), and settlement conferences, are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

**MEDIATION** A neutral third party called a "mediator" helps participants in the dispute create their own resolution. The mediator helps facilitate a discussion in which the parties reach a mutually agreed upon settlement. Therefore, mediation allows for more creative resolutions to disputes than other ADR processes.

The Court Mediation Program is governed by Code of Civil Procedure sections 1775-1775.15, California Rules of Court, Rules 1620-1622 and 1630-1639, Evidence Code sections 1115-1128, and Los Angeles Superior Court Rules, Chapter 12.

**ARBITRATION** A neutral third party called an "arbitrator" listens to each side in the dispute present its case. The arbitrator, who is an attorney, issues a decision based on the evidence. Although evidence is presented, arbitration is a less formal process than litigation. The decision is non-binding unless the parties agree in writing to binding arbitration.

The Court Arbitration Program is governed by Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, Rules 1600-1618, and Los Angeles Superior Court Rules, Chapter 12.

**ENE** A neutral third party called an "evaluator" will provide the parties and their counsel, on a voluntary basis and in a confidential session, the opportunity to make summary presentations of their claims and defenses, including key evidence. After hearing the presentations, the evaluator, who is an experienced lawyer with subject-matter expertise, offers a non-binding evaluation.

The evaluator will also help clarify, narrow or eliminate issues, identify areas of agreement, offer case-planning suggestions, and, if requested by parties, settlement assistance. Although settlement is not the primary goal of ENE, the ENE process can reduce litigation time and costs and promote settlement.

The Court ENE Program is governed by Los Angeles Superior Court Rules, Chapter 12.

**SETTLEMENT CONFERENCE** A neutral third party called a "settlement officer," who is also a retired judge, assists the parties in negotiating their own settlement and may evaluate the strengths and weaknesses of the case.

**JURISDICTIONAL LIMITATIONS**

**MEDIATION,  
ARBITRATION &  
ENE** Any case in which the amount in dispute is between \$25,000-\$50,000 per plaintiff, and was not previously referred to the Court ADR Program, can be sent to the Court ADR Program for mediation, arbitration, or ENE by stipulation, election by plaintiff or order of the court.

Parties may voluntarily request or initiate a mediation or arbitration proceeding, regardless of the amount in dispute.

**SETTLEMENT CONFERENCE** Any case, regardless of the amount in dispute, may be ordered to a settlement conference. There is no monetary limit.

**REFERRAL INFORMATION**

After the Court determines the suitability of a case for ADR, the Court directs the parties to the ADR Department to initiate the ADR process. Once the parties have completed the ADR intake forms, a Neutral may be selected.

## **LOS ANGELES COUNTY DISPUTE RESOLUTION PROGRAMS ACT (DRPA) CONTRACTORS**

The following organizations provide mediation services under contract with the Los Angeles County Department of Community & Senior Services. Services are provided to parties in any civil case filed in the Los Angeles County Superior Court. Services are not provided under this program to family, probate, traffic, criminal, appellate, mental health, unlawful detainer/eviction or juvenile court cases.

**Asian-Pacific American Dispute Resolution Center**  
**(213) 250-8190**  
(Spanish & Asian languages capability)

**California Academy of Mediation Professionals**  
**(818) 377-7250**

**Center for Conflict Resolution**  
**(818) 380-1840**

**Inland Valleys Justice Center**  
**(909) 397-5780**  
(Spanish language capability)

**Office of the Los Angeles City Attorney Dispute Resolution Program**  
**(213) 485-8324**  
(Spanish language capability)

**Los Angeles County Bar Association Dispute Resolution Services**  
toll free number **1-877-4Resolve (737-6583)** or **(213) 896-6533**  
(Spanish language capability)

**Los Angeles County Department of Consumer Affairs**  
**(213) 974-0825**  
(Spanish language capability)

**The Loyola Law School Center for Conflict Resolution**  
**(213) 736-1145**  
(Spanish language capability)

**Martin Luther King Legacy Association Dispute Resolution Center**  
**(323) 290-4132**  
(Spanish language capability)

**City of Norwalk**  
**(562) 929-5603**

**DRPA Contractors do not provide legal advice or assistance, including help with responding to summonses. Accessing these services does not negate any responsibility you have to respond to a summons or appear at any set court date. See the reverse side of this sheet for information on the mediation process and obtaining legal advice.**

**THIS IS A TWO-SIDED DOCUMENT.**

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
<b>STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>		CASE NUMBER:

The undersigned parties stipulate to participate in an Alternative Dispute Resolution (ADR) process in the above-entitled action, as follows:

- Mediation
- Non-Binding Arbitration
- Binding Arbitration
- Early Neutral Evaluation
- Settlement Conference
- Other ADR Process (describe): \_\_\_\_\_

Dated: \_\_\_\_\_

Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
---	---	--------------------------------

Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
---	---	--------------------------------

Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
---	---	--------------------------------

Name of Stipulating Party <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Cross-defendant	Name of Party or Attorney Executing Stipulation	Signature of Party or Attorney
---	---	--------------------------------

Additional signature(s) on reverse

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		<b>CONFIRMED COPY</b>
COURTHOUSE ADDRESS:	JANNAILO	
PLAINTIFF:	John A. Clarke, Executive Officer/Clerk	
DEFENDANT:	By T. Rhodes, Deputy	
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		CASE NUMBER: <b>YC057652</b>

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: <u>12-8-08</u>	Time: <u>8:30</u>	Dept: <u>B</u>
----------------------	-------------------	----------------

NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

*ANDREW C. KAY*

Dated: 7-1-08

Judicial Officer

#### CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

by depositing in the United States mail at the courthouse in JANNAILO, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

by personally giving the party notice upon filing of the complaint.

*Mark D. Potter*  
103 E. San Marcos Bl., #400  
San Marcos, CA 92069

JOHN A. CLARKE, Executive/Officer Clerk

*T. RHODES*

Dated: 7-1-08

By *[Signature]*  
Deputy Clerk

NOTICE SENT TO:

POTTER, MARK D.  
100 EAST SAN MARCOS BLVD.  
SUITE 400  
SAN MARCOS CA 92069

CONFORMED COPY  
OF ORIGINALE STAMP  
Los Angeles Superior Court

JUL 03 2008

John A. Clarke, Executive Officer/Clerk  
By H. Garcia, Deputy

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

ADRIAN KOLLAR  VS.  PACIFIC REALTY INVESTMENT COMPANY LLC, Defendant(s).	CASE NUMBER
	YC057652
	ORDER TO SHOW CAUSE HEARING

To the party/attorney of record: MARK D. POTTER

You are ordered to appear for an Order to Show Cause hearing on September 10, 2008 at 8:30 am in Dept. SW B of this court, Southwest District, 825 Maple Avenue, Torrance, California 90503, and show cause why sanctions should not be imposed for:

**Failure to file:**

Proof of Service of Petition/Summons and Complaint/Cross-Complaint pursuant to California Rules of Court, rule 3.110(b) and (c) as to:

FAILURE TO SERVE: PACIFIC REALTY INVESTMENT COMPANY  
LLC; GARFIELD BEACH CVS, LLC.

Failure to comply or appear may result in sanctions, including dismissal of this action, or striking of the pleading pursuant to one or more of the following: California Rules of Court, rule 2.30, and rule 3.1340; Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.310, 583.360, 583.410, 583.420, 583.430; and Government Code section 68608.

To avoid a mandatory appearance, all required documents must be filed in [ This Department ] Clerk's Office, Room 100, at least 5 days prior to the date of the hearing.

You are ordered to give notice of said hearing forthwith to any party served with the summons and complaint prior to OSC Hearing and file a Proof of Service in this department or Clerk's Office within 5 days of receipt of this order.

**ANDREW C. KAUFFMAN**

Judicial Officer

### CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Order to Show Cause Hearing upon each party or counsel named above by depositing in the United States mail at the courthouse in Torrance, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Date: July 3, 2008

John A. Clarke, EXECUTIVE OFFICER/CLERK

By H. GARCIA, Deputy Clerk

### ORDER TO SHOW CAUSE HEARING

LACIV 166-1 (Rev. 01/07)  
LASC Approved 06-04

LASC Local Rules, Chapter 7  
Cal. Rules of Court, rule 2.30

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

**CV08- 5343 SVW (JCx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Adrian Kollar		<b>DEFENDANTS</b> Pacific Realty Investment Co., LLC Garfield Beach CVS, LLC Does 1 through 100, inclusive					
<b>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b>  Mark D. Potter/Russell C. Handy Center for Disability Access, LLP 100 E. San Marcos Blvd., #400, San Marcos, CA 92069		<b>Attorneys (If Known)</b>  Henry A. Platt Saul Ewing, LLP 2600 Virginia Ave, N.W., Suite 1000, Washington, D.C. 20037 Attorney for Garfield Beach CVS, LLC					
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)					
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State		<input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State		<input type="checkbox"/> 5 <input type="checkbox"/> 5	
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation		<input type="checkbox"/> 6 <input type="checkbox"/> 6	
<b>IV. ORIGIN</b> (Place an X in one box only.)							
<input type="checkbox"/> 1 Original Proceeding				<input checked="" type="checkbox"/> 2 Removed from State Court			
<input type="checkbox"/> 3 Remanded from Appellate Court				<input type="checkbox"/> 4 Reinstated or Reopened			
<input type="checkbox"/> 5 Transferred from another district (specify):				<input type="checkbox"/> 6 Multi-District Litigation			
<input checked="" type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge							
<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)							
<b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
<b>MONEY DEMANDED IN COMPLAINT:</b> \$ In Excess of \$25,000							
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12102, et seq. Failure to comply with requirements of this federal statute.							
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)							
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input checked="" type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609		

FOR OFFICE USE ONLY: Case Number: CV 08-05343

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Not provided in Plaintiff's initial pleadings.	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Garfield Beach CVS, LLC is located in Los Angeles.	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: <sup>*</sup>	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**

Date

*8/12/08*

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

**Nature of Suit Code      Abbreviation      Substantive Statement of Cause of Action**

861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))